

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION



United States of America,

Plaintiff,

Civil No. 4-80-469

and

State of Minnesota, by its
Attorney General Warren Spannaus,
its Department of Health, and its
Pollution Control Agency,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation;
Housing and Redevelopment Authority
of St. Louis Park; Oak Park Village
Associates; Rustic Oaks Condominium,
Inc.; and Philip's Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,

Defendant.

STATEMENT OF THE
CASE OF OAK PARK
VILLAGE ASSOCIATES

1. Name, address and occupation of the client:

Oak Park Village Associates
Diversified Equities Corporation
400 Marquette Avenue
Suite 410
Minneapolis, Minnesota 55401

2. Name of insurance carriers involved:

None

3. Names and addresses of all witnesses known to attorney or client who may be called at trial by the party, including expert witnesses:

Jon Dickerson
Diversified Equities Corporation
400 Marquette Avenue
Suite 410
Minneapolis, Minnesota 55401

4. A concise statement of the party's version of the facts of the case:

As set forth in the original complaint of the United States in this action, and as reiterated at page 10 of the Statement of the Case submitted by the United States, Oak Park Village Associates has been named as a party in this action solely for the purpose of implementing any remedial measures which may be required. Oak Park Village Associates does not believe that any portion of its property will be affected by any remedial measures which may result from this action. In view of the very large expense which would be involved if counsel for Oak Park Village Associates were to closely monitor all aspects of this case, we have not attended depositions to this point and our involvement has been very peripheral.

Oak Park Village Associates has filed a cross claim against the City of St. Louis Park on the basis of an agreement

entered into between Oak Park Village Associates and the City of St. Louis Park prior to the construction of the buildings on the property of Oak Park Village Associates.

Oak Park Village Associates intends to request that all parties state at the pretrial conference whether they presently believe that any remedy might in any way affect the property of Oak Park Village Associates. In particular, it is our intention to request that the state and federal governmental plaintiffs state their position with respect to this matter.

5. All items of claimed negligence, contributory negligence, assumption of risk, or other affirmative claims or defenses, giving claimed statutory violations by statute number:

Oak Park Village Associates will make no such claims or defenses, with the exception of the claim set forth in its cross claim against the City of St. Louis Park, until such time as any notice is provided to Oak Park Village Associates as to the possible nature of any impact which any remedy may have upon its property.

6. A list of all exhibits to be offered at the trial:

Oak Park Village Associates will offer the agreement between itself and the City of St. Louis Park which has been attached to its cross claim against the City. Because Oak Park Village Associates has not been provided with any type of notice as to any possible impact that any remedy may have upon its property, it is not possible at this time to indicate whether any other exhibits may be necessary or appropriate.

7. Amendments to the pleadings:

None.

8. Discovery proceedings necessary for trial:

None are contemplated at this time.

9. Estimated trial time:

Unknown.

LINDQUIST & VENNUM

By Laurance R. Waldoch
Laurance R. Waldoch
4200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402
(612) 371-3211

Dated: March 24, 1983